

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	MDL No. 02419
LITIGATION)	Docket No. 1:13-md-2419-RWZ
_____)	
)	
This document relates to:)	
)	
Handy v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14019-RWZ)	
)	
Armetta v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14022-RWZ)	
)	
Torbeck v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14023-RWZ)	
)	
Kashi v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14026-RWZ)	
)	
Bowman v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14028-RWZ)	
)	
Dreisch v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14029-RWZ)	
)	
Davis v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14033-RWZ)	
)	
Farthing v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14036-RWZ)	

**EMERGENCY MOTION FOR LEAVE TO APPEAR TELEPHONICALLY AT THE
DISCOVERY MOTIONS HEARING IN FRONT OF MAGISTRATE JUDGE BOAL ON
MAY 28, 2015**

Defendants, Box Hill Surgery Center, LLC, Ritu Bhambhani, M.D., and Ritu T. Bhambhani, M.D., LLC (Collectively, “Box Hill Defendants”), hereby move the Court for leave

to appear telephonically at the monthly hearing scheduled for May 28, 2015, at 11:30 am EDT.

In support of this motion, the Box Hill Defendants state as follows:

1. These Defendants filed a Motion for Stay or to Extend the Common Issue Fact Discovery Deadline and Opposition to Plaintiffs' Steering Committee's Cross Motion to Amend MDL Order No. 9 [Dkt. 1889] on May 26, 2015.

2. This Motion and this issue relates to all of the Defendants in this MDL in some form and arguments are expected in front of Judge Boal by all of those interested parties either directly or in a representative capacity at the May 28, 2015 discovery motions hearing.

3. The undersigned had initially anticipated appearing in person for the hearing, but a last minute family emergency, for which the undersigned must remain local, has made it impossible to attend. Further, in the early evening on May 28, 2015, the undersigned is scheduled to be installed as the President-Elect of the Bar Association of Baltimore City at its 135th Annual Meeting for which he must also give a presentation in his role as President of the Baltimore Bar Foundation, the 501(c)(3) charitable arm of the Bar Association of Baltimore City. Both of these obligations require the attendance of the undersigned. Given the complexity of the issues to be addressed in the hearing, even if the family emergency did not exist, it would be impossible to reasonably guarantee travel from Boston to Baltimore and to the Annual Meeting in time to satisfy those obligations.

4. Accordingly, the undersigned respectfully requests that he be permitted to attend the discovery motions hearing via telephone to avoid the time and expense associated with traveling to Boston, Massachusetts from Towson, Maryland, where his office is located.

5. The undersigned has attended previous hearings in front of Judge Boal both in person and by telephone and has had no problem hearing and understanding the arguments being made in open court.

6. Because the hearing is tomorrow, the movants respectfully request that the Court consider and rule on this motion on an emergency basis.

Wherefore, the Box Hill Defendants through the undersigned respectfully request that they be permitted to appear via telephone at the discovery motions hearing scheduled for May 28, 2015, at 11:30 a.m.

Respectfully submitted,

PESSIN KATZ LAW, P.A.

/s/Gregory K. Kirby

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CERTIFICATE OF SERVICE

This will certify that a true and accurate copy of the foregoing was served on all parties hereto by virtue of the Court's electronic filing system this 27th day of May, 2015.

/s/Gregory K. Kirby

Gregory K. Kirby